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IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF ARIZONA

United States of America,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. CR 09-738-PHX-PGR
	)	
Herman Cesina, Sr,	)	ORDER OF DETENTION
	)	
Defendant.	)	
_____	)	

In accordance with the Bail Reform Act, 18 U.S.C. § 3142(f), the issue of detention was addressed at a hearing on June 30, 2009. The Court was informed that the defendant is subject to other custody and is not eligible for release at this time.

The Court finds by a preponderance of the evidence that the defendant is subject to other custody and should be similarly detained in this case. If circumstances change such that defendant is no longer in custody in the other matter, defendant shall have leave to request that the matter of detention be reopened in this case.

IT IS ORDERED that the defendant be detained pending further proceedings. The defendant is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The

defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of the Court of the United States or on request of an attorney for the government, the person in charge of the corrections facility shall deliver the defendant to the United States Marshal for the purpose of an appearance in connection with a Court proceeding.

IT IS FURTHER ORDERED that should a motion for review/reconsideration of this detention order be filed, it is counsel's responsibility to deliver a copy of the motion for review/reconsideration to Pretrial Services at least one day prior to the hearing.

IT IS FURTHER ORDERED that if a release to a third party is to be considered, it is counsel's responsibility to notify Pretrial Services sufficiently in advance of the hearing to allow Pretrial Services an opportunity to interview and investigate the potential third party custodian.

DATED this 30<sup>th</sup> day of June, 2009.

A handwritten signature in black ink, appearing to read 'D.K. Duncan', is written over a horizontal line.

David K. Duncan  
United States Magistrate Judge